

**PLANNING COMMISSION  
COMMISSIONER'S HEARING ROOM, COUPEVILLE, WA  
TUESDAY, JANUARY 27, 2015**

	<i>Members Present</i>	<i>Members Absent</i>
<i>District 1</i>	<i>Val Hillers – Chair</i>	
	<i>Dean Enell</i>	
	<i>Karen Krug</i>	
<i>District 2</i>	<i>Jeffery Wallin</i>	
	<i>George Saul</i>	
		<i>Leal Dickson</i>
<i>District 3</i>	<i>Wayne Havens</i>	
	<i>Beth Munson</i>	
	<i>Scott Yonkman</i>	

Meeting was called to order at 9:01 p.m. by Chair Val Hillers.

**ROLL CALL**

Beth Munson, Karen Krug, Wayne Havens, Scott Yonkman, Val Hillers, Jeffery Wallin, Dean Enell

**Minutes:**

NONE

Planning staff present: Dave Wechner – Planning Director, Brad Johnson - Long Range Planner, Amanda Almgren – Long Range Planner, Doug Cox – Transportation Planner, Susan Wagner – Environmental Health Specialist

**ITEMS FROM THE PUBLIC**

Commissioner Krug received a document with definition for wineries which is currently an issue. It has been prepared in draft code so it can be inserted in the code. It has been redlined with all of the changes. It has never been defined and is becoming a problem with the language since there has been a lot of development.

**DIRECTOR'S REPORT**

Dave Wechner provided Planning Commissioners with the Director's report. Discussed the following:

- **Development Review/Code Enforcement**
  - Development activity – Building/Planning permit revenue for 2014 was up 13% in Building and 11% in Planning overall compared to last year. Currently we have 170 land use permits in review; 27 submitted in the last month.
  - Applications received for Current Use Planning Manager and Long Range Planner – interviews completed for Planning Manager.
- **Long Range Planning**
  - Template received for the Comp Plan Update website, to be known as 'Island County 2036' (as the Comp plan covers the next 20-years). Consultant finishing the load of photos and initial contest for testing its function, staff will start adding additional content asap.

- Planning review of contract with ESA for Critical Areas Ordinance work completed last week – once they complete revisions, the document will go to Finance and Legal for contract review.
- Applications received for Long Range Planner position(s) – interviews to be scheduled for current week.
- Building
  - New housing starts: Housing starts for December were 5 compared to 7 for December 2013. Total yearly starts for 2014 – 188 compared to 168 for 2013.
  - Hired a Building Inspector to replace a resignation – starts today.
  - Staff met with FEMA recently to complete our Community Assistance Visit.

Commissioner Krug asked if the County is in compliance with FEMA.

Director Wechner responded to Commissioner Krug's inquiry the County is in the National Flood Insurance Program. By adopting their maps and pass regulations which are complaint with FEMA keeps the County in the National Flood Insurance Program.

Commissioner Munson inquired what the highest housing start number was in recent history.

Dave responded he was not sure of the number.

- Strategic Planning/Office Management
  - Space for staff being created – thanks to IT for responsiveness in moving computers, etc.
  - Records manager has sorted through historic files to implement better tracking. Records management projects have been identified for the project position to assume February 1<sup>st</sup>.

Commissioner Enell asked if the new housing starts dovetail with the Comp Plan Projection forecast of population increase.

Brad Johnson stated there is a problem with the housing start data and the important thing to remember is the permits for new homes are not necessarily additional homes. They may be tear down and replacement homes. In the past staff has found housing data was fairly unreliable measure to predict future population growth because of the large percentage of non-resident households on the Island. But the slowdown in housing certainly coincided with the decline of the population in some of the planning areas.

Commissioner Munson asked what the commercial activity has been like.

Dave responded it was holding steady and no difference.

Commissioner Yonkman asked where remodels fit in as far a permit. He wanted to know if they are included in the count.

Dave responded it was not included in the new housing starts. The Board was primarily interested in new housing starts.

Commissioner Yonkman said it occurred to him that remodeling has been robust in the last number of years and some of them are major remodels indicating new people coming buying these homes and doing major remodels.

Chair Hillers recognized the arrival of Commissioner Saul.

## **NEW BUSINESS –**

Chair Hillers informed the public and the Planning Commission the purpose of a workshop.

The purpose of Planning Commission workshops is to familiarize members with issues that will come before them, provide an opportunity for exchanging ideas regarding relevant topics, and to solicit agency or expert opinions to add to the body of knowledge before the Commission considers changes to the Comprehensive Plan, policy or text of the Land Division or Zoning Codes.

Workshops serve as a forum for discussion or training in procedural or administrative rules, and for informing the Commission of changes in the state statute or case law that affect land use decisions. They provide an opportunity to update the Commission's schedule of hearings, meetings or workshops, and a chance to form sub-committees or focus-groups on land use issues.

Because workshops are intended to serve the entire membership of the Planning Commission, full attendance is anticipated and when a quorum is present, meetings are subject to Washington Public Meetings Law. Notice is published on the County's website, sent to the interested parties e-mail list, and sent to the local news media for legal notice. Planning Commission workshops are open for the public to attend, and comments from the audience may be received, but workshops are not an opportunity for public *testimony*.

### **Public Works: Update on the Draft Transportation Element.**

Doug Cox, Transportation Planner for the Island County Public Works Department, stated the topic today is perfect for a workshop. They have shared the very first draft that was received of the Transportation Element and hoped there was an opportunity for the Planning Commission to review it. He would like to discuss what was shared with the Planning Commission and hear their feedback. The project advisory committee also had an opportunity to go over the draft in detail with the consultant a little over a week ago. They realize this is very much a rough draft, in particular the goals and objectives. What the consultant provided was verbatim out of the previous transportation element which is fifteen years old. The advisory committee's initial response was to start from scratch on the first section. They would like to pare it down and tease out what is important, they look at goals as something that can help and make decisions down the road and not make it more confusing.

The rest of the document is a thorough inventory of existing transportation conditions. In addition to that it is a forecast of what Public Works expects to happen in the next twenty years.

It is a Growth Management Act (GMA) requirement to basically verify that the transportation system can accommodate the growth that is expected over the next twenty years. The consultants worked with the Planning Department to develop the forecast.

- Commissioner Krug asked if all of the weekend ferry and tourist traffic was captured along with the afternoon hours when doing the load calculations on the roads. Since it seems there is a lot of traffic on the weekends. Doug responded the numbers presented represent the one hour afternoon peak period and is typically Tuesday, Wednesday and Thursday that is being captured.
- Commissioner Krug would like for the weekend and ferry traffic to be included in the projections.
- Commissioner Hillers said the population forecast does not capture the crowd of tourists that arrive on the weekends and ferries and roads are more congested. There needs to be something accounting for that increase in traffic.
- Commissioner Enell asked if the concern involves all County roads. He also asked if the forecast will be localized for example in Freeland. Doug responded the forecast are done by traffic analysis zones and the question seems to be more about Freeland, the news on that is they are developing a separate subarea plan specifically for Freeland.
- Commissioner Hillers asked Mr. Cox to give a brief summary of what is in the Transportation Element.

Doug Cox further gave an explanation of the transportation concurrency.

- Commissioner Yonkman asked how acceptable standards are established for travel time between different locations. At what point is it measured and decided a lane has to be added or improve the road. Doug responded the forecast does not show enough growth that they think would be a problem. WDOT still needs to respond on the initial proposal but the baseline would increase 70 or 75% of the posted speed limit. Once it slows down beyond that, then they would look at mitigation.
- Commissioner Enell commented the Washington State Ferry is a State Highway so concurrency applies to that as well.

Further discussion regarding ferry traffic and the impacts continued.

- Commissioner Saul asked if there are contingency ideas or planning if Deception Pass Bridge went out for a year. If there were two ferries instead of one for a year and what the implications would be of such events occurring. Doug responded that there is a plan in place but it is not part of the Transportation Element. Eric Brooks, Emergency Management Coordinator works with multi-county agency to develop those kinds of disaster scenarios.
- Alternate ferry landing in case of an emergency.

#### **New Draft Goals currently under development**

1. Provide a safe, comfortable and reliable transportation system that provides adequate mobility for people, goods and services, regardless of mode;
2. Support land use development and economic vitality by providing context-appropriate transportation infrastructure;

3. Minimize negative environmental impacts;
  4. Preserve prior investments in the transportation system;
  5. Promote physical activity by expanding options for active transportation modes;
  6. Build strong relationships between Island County and other agencies to engage in cooperative planning of common transportation improvements.
- Commissioner Saul asked if Paine field became commercial would that bring larger numbers than the forecasted growth. He also asked staff if there a list of planning contingencies to address Paine Field becoming a commercial airport.
  - Brad responded in respect to the flexibility of the plan, there is a kind of an inherent flexibility built in that under the Growth Management Act (GMA) will require periodic updates and review the Comprehensive Plan. While it is a plan for twenty years there is an opportunity to reassess on a seven year basis in case something unexpected happens, the plan can be adjusted accordingly. The Population Projections adopted tested those scenarios within the OFM range Doug was discussing.
  - Building starts is a very good index of what is happening on the Island and is a good idea to compare that to the 20 year growth numbers to see if it is all panning out and adjust accordingly.

Doug asked the Planning Commission if there is anything they feel is missing from the new draft goals presented to them.

- Commissioner Hillers stated they are short succinct and easy to understand.
- Commissioner Enell stated he had three examples he thinks needs to be done in terms of transportation:
  - Moving bottle neck occurring in Freeland. He sees growth in Freeland and that is just a moving disaster. He thinks the solution is to find an alternate way for people to get from the Highway 525 to all of the residential areas to the north without going right through the main part of Freeland.
  - Clinton should have a roundabout at Deer Lake Rd. To allow pedestrians to cross the street. Clinton is trying to build a community and allow people to stop and shop.
  - Roundabout at Bush Point on the highway.

Commissioner Saul expressed the need of a roundabout where the State Route comes up to make a left turn in Oak Harbor.

Doug stated that is located in Oak Harbor and they will be updating their Transportation Element this year.

Commissioner Krug discussed the aging population and looking at other alternatives like the golf cart option. She does not see that the policies reflect it adequately.

Commissioner Saul asked if Doug had looked at other counties he feels has the best transportation plans.

Doug responded to Commissioner Saul the transportation plan he likes the most but is not applicable is the City of Eugene, Oregon. It has very strong goals and objective policy section. The goals presented are modeled after the State.

Commissioner Yonkman stated the one goal that jumps out at him is minimize negative environmental impacts, it certainly is a very big deal and very important. Being in construction it seems the environment is a roadblock that comes up quickly in so many ways. He would like to see a system developed that will enable to move forward through that process with proper mitigations and recognize them quickly instead of taking years.

Commissioner Yonkman requested Ron Nelson with the Economic Development Council to speak related to transportation.

Ron Nelson began with Commissioner Saul's question regarding what happens if suddenly Paine Field turns into a commercial airport, his first thought on the scenario is that there may be a possible increase of a younger working class population on the south end of the Island. He finds it is important in diversifying a local economy therefore making it more resilient. However, concurrency will come into play right away. He thought what would it mean for the local builders, it would slow them down if not stop them in that particular area and is that good for the economy, no. Does it provide employment for the young people, no, but it is a reality. The other thing when he thinks about transportation is no discussion has been brought up about the Navy base. The Navy base is going to grow significantly and there are already problems at Banta Rd. Their presence will have a definite impact. He is receiving multiple calls that there is not enough housing in North Whidbey. Housing will need to be expanded and with the increase of housing, transportation will be impacted.

## **Public Comment**

*Marianne Edain, Box 53, Langley*

Ms. Edain responded regarding Commissioner Yonkman and Mr. Nelson's comments regarding the idea that environment protection is some sort of roadblock that needs to be rid of is kind of turning things on its head. The point of environmental protection is that everyone lives in that environment and damages it at their risk. She has had to learn economics and she has found that when someone does an economic analysis of causing environmental damage, one is causing economic damage as well. The cost of trying to pick up the pieces afterwards is always much greater than the benefit one thought of cutting that corner. The idea that the roadblock has to be rid of, this matter has to be taken serious account and plan the transportation system and avoid the roadblock. The notion that expansion to meet the need of NAS Whidbey, she believes the economic impact needs to be looked at more closely. They may be a very large employer and everyone looks at the plus side but no one is looking at the negative side. The impacts of taxpayers having to support the children of those people at NAS Whidbey who are in base housing, they are not paying property tax. That property tax is what supports the schools. There used to be an in lieu payment from the Navy to the school district but she has heard lots of complaints from the school district about that. She would like to see a greater emphasis on not increasing road miles or road size but rather the focus of transportation is moving people in the most efficient and comfortable way possible. Not building more road miles and driving more

cars. The more that they can focus on public transportation on alternatives to fossil fuel powered motor vehicles the better everyone will be.

*Rufus Rose – 6529 Four Sisters Lane, South Whidbey*

Mr. Rose commented on the Transportation Element in relation to a project in the Freeland area inside the Freeland planning subarea called Sunnyview Village that has brought significant problems on several aspects. Access to this development is over private property during the construction phase because the way it was designed to get in, they can't get in. When he spoke with the fire chief he had assumed that the extension of Harbor Ave. would be accessible and that is not known. The Water and Sewer District in Freeland is trying to buy the Stonebridge property. The property is encumbered by the State Department of Transportation by a long term contract that when the highway went in, the Stonebridge agricultural driveway could not become a road. The low-income and homeless housing 26 units is under the assumption they will be able to influence the occupants to walk uphill to the south walk down Scenic Ave to the west, walk down Fish Rd to the north, then walk through Freeland to get to their destination. People will be crossing the highway on foot during congestion periods, there will be fatalities there. Non-motorized trail seems to be a goal from the Clinton Ferry to Deception pass is expensive and diverts money from other projects that may be more worthy.

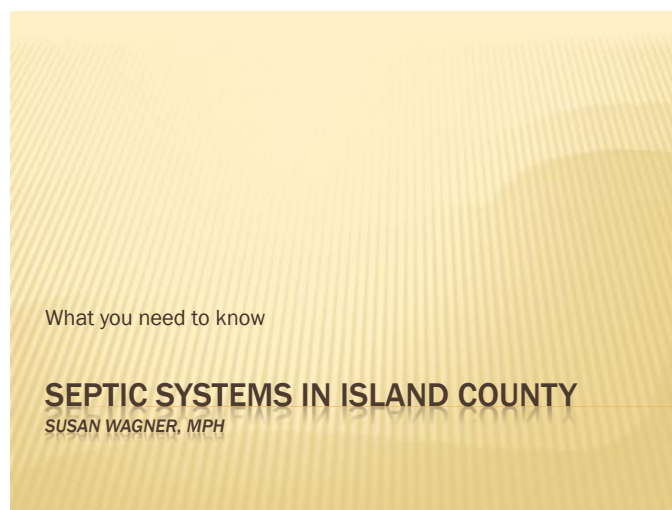
Commissioner Saul asked if the energy efficiency aspect of the Transportation Plan was captured.

Doug responded to Commissioner Saul, he will see how they can work that into the plan.

Commissioner Enell stated he drives an electric car and he is always looking for a place to plug it in. There is no place in Coupeville, the only ones that are useful are the fast charge.

**Public Health:** Informational workshop regarding on-site septic systems.

Susan Wagner gave a presentation to the Planning Commission regarding Environmental Health and impacts.



## WHAT IS ENVIRONMENTAL PUBLIC HEALTH

- ✦ Public Health is the study and prevention of disease among groups of people and populations.
- ✦ Environmental Health is responsible for preventing the transmission of disease in the environment

### ✦ Source of disease transmission can be:

- ✦ 1. Contaminated drinking water
- ✦ 2. Vectors such as rodents and insects
- ✦ 3. Contact with poorly or untreated wastewater

## WASTEWATER 101

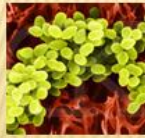
- ✦ Human waste makes humans sick
- ✦ Wastewater contains some very nasty pathogens that require constant vigilance to control
- ✦ Disposal of human wastewater is a regulated activity
- ✦ The regulations fall under the authority of the Washington State Department of Health and the Island County Health Department



## WHAT PATHOGENS ARE IN WASTEWATER

Three types of pathogens

- ✖ 1. Bacteria
- ✖ 2. Viruses
- ✖ 3. Parasites and Worms



## BACTERIA

Can be treated but can cause horrible illness and death.

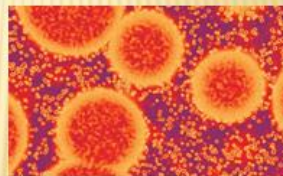
- ✖ 1. Salmonella
  - + Diarrhea
- ✖ 2. Shigella
  - + Profound Diarrhea
- ✖ 3. **E. Coli**
  - + Diarrhea and Kidney Failure
- ✖ 4. Staph. Aureus
  - + Skin Infections, resistant and invasive



## VIRUSES

Generally no Treatment except supportive treatment of symptoms

- ✖ 1. Hepatitis
  - + Liver Failure
- ✖ 2. **Norwalk Virus**
  - + Vomiting and Diarrhea
- ✖ 3. Enteroviruses
  - + Diarrhea
- ✖ 4. Polio
  - + Paralysis



## PARASITES AND WORMS

Parasites can be treated, but the treatment can be harsh due to the complexity of the organism

Parasites can persist in the environment

- ✖ **Ascaris**
  - + Pneumonitis, gastroenteritis
- ✖ **Anclostoma Duo**
  - + Anemia, abdominal pain, weight loss
- ✖ **Strongyloides**
  - + Diarrhea, hives, weight loss and other awful things!



## WHAT IS AN ON-SITE SEPTIC SYSTEM?

- ✖ A means of treating and disposing of waste water



- ✖ Widely utilized in areas where there is not municipal sewer system and a wastewater treatment plant
- ✖ Disposes of a defined amount of water each day

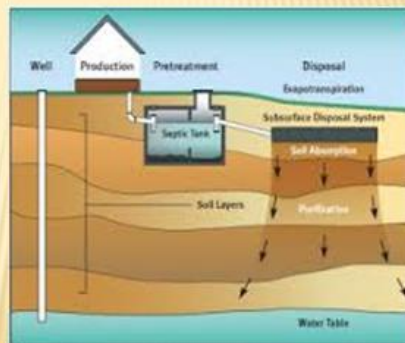
## WHAT ISN'T A SEPTIC SYSTEM

- ✖ Not a garbage can
- ✖ Not a garbage disposal
- ✖ Can not dispose of excessive amounts of water
- ✖ Not just a septic tank, a drainfield is required



## PRINCIPLE FUNCTIONS

- ✖ 1. Treatment
- ✖ 2. Disposal



## PRINCIPLE FUNCTIONS

- ✖ 1. Treatment reduces biologic material, pathogenic organisms and reduces solids in wastewater
  - + Primary treatment occurs in the septic tank
  - + Secondary treatment is an enhanced level of treatment that cleans the water to a much higher level than a septic tank alone.



## ✖ 2. Disposal

- + The function of the drainfield area is to move the water away from the site in a controlled flow
- + Wastewater treated in on site systems in Island County can still be infectious, therefore it must be disposed of underground.
- + The drainfield provides final treatment and disposal of wastewater

## CONVENTIONAL SEPTIC SYSTEMS

- ✖ cheapest and least complex.
- ✖ gravity or pressure (pump) distribution.
- ✖ Requires 48 inches of native, permeable, unsaturated soils.
- ✖ Requires three feet of soil below the trench.
- ✖ Primary treatment occurs in the septic tank. Secondary treatment and disposal occurs in the soils on site.

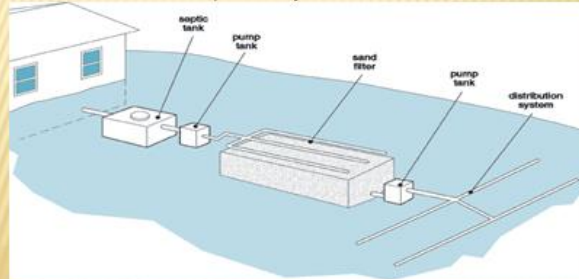


## ALTERNATIVE SEPTIC SYSTEMS

- ✖ Uses technology to compensate for shallow soils.
- ✖ Uses technology to reduce impact to sensitive areas such as marine waters, lakes and streams.
- ✖ Alternative systems require additional maintenance to insure adequate treatment
- ✖ The minimum amount of native unsaturated permeable soil for any type of septic system is twelve inches.
- ✖ Soils in Island County vary widely

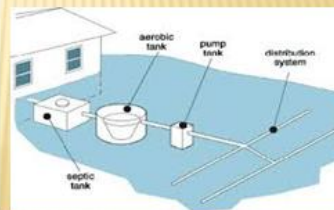
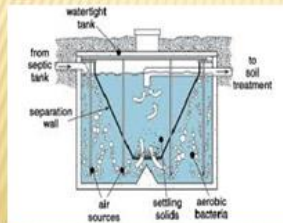
## TYPES OF ALTERNATIVE SYSTEMS- FILTERS

- ✖ Sand filters, Packed Bed Filters, and gravel filters
- ✖ Primary treatment occurs in a septic tank Secondary Treatment is by the slow movement of water through a constructed filter.
- ✖ The drainfield is for disposal only.



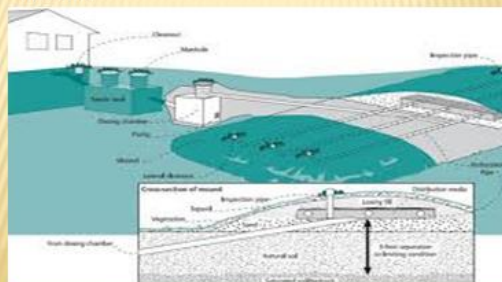
## TYPES OF ALTERNATIVE SYSTEMS AEROBIC TREATMENT UNITS

- ✖ Primary Treatment occurs in a septic tank
- ✖ Secondary Treatment occurs in a tank that has air pumped through waste water. Aerobic Units are like mini sewage treatment plants.
- ✖ The drainfield is for disposal only



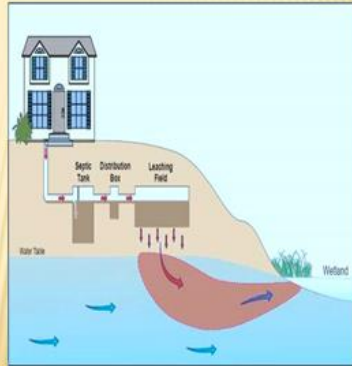
## ALTERNATIVE SEPTIC SYSTEMS MOUNDS

- ✖ Primary Treatment occurs in the septic tank
- ✖ Secondary Treatment occurs in the sand beneath the drainfield bed
- ✖ Final disposal is in the native soil underneath the drainfield bed and the sand



## ENVIRONMENTAL COMPLICATIONS

- ✧ Shorelines
- ✧ Streams
- ✧ Wetlands
- ✧ Wells
- ✧ Bluffs



## HUMAN FACTORS

- ✧ Design and installation near these features require careful sight assessment and design
- ✧ Many systems are already near these features
- ✧ All septic systems require ongoing inspection and maintenance to function properly.
- ✧ Out of sight, out of mind

## OTHER COMPLICATIONS, NITROGEN (N) AND PHOSPHORUS (P)

All animals  
produce  
N and P  
which can pollute  
ground and  
surface water  
because it acts  
like fertilizer.





## OLD SYSTEMS

- ✖ There are many existing legal permitted septic systems in Island County that are old and undersized by current standards.



- ✖ There are many old septic systems that do not meet current setbacks to critical areas and may not be adequately treating wastewater



**Changes to Rules of Procedure** – Discuss changes to date and time of Planning Commission meetings.

Commissioner Hillers began the discussion of Planning Commission meeting date and time change. In November, there was a quick discussion regarding the changes. She asked Dave to suggest a procedure on the matter.

Dave Wechner responded there are various schedules to consider. There are schedules of rooms, other groups, and this is the room needed for Planning Commission meetings due to the audio/visual setup and the audience capacity. Originally Thursday morning was discussed. The groups that need to be worked around are the Board, the Historic Preservation Commission and the Hearing's Examiner. The options available are Mondays or Thursdays.

Commissioner Saul is unable to attend Thursdays.

Commissioner Yonkman stated if the meetings were on Monday afternoons it may allow some flexibility.

Commissioner Hillers asked if staff would be able to deal with Monday meetings.

Director Wechner responded staff would be available on Mondays. He suggested 2:00 p.m. would give the Commissioners driving from Camano an opportunity to drive over to Whidbey Island and allows staff to take lunch, set up the room.

Commissioner Krug asked if public hearings would also occur at 2:00 p.m.

Dave responded there is a need to set a regular schedule for the meetings and it is on the agenda as a change to Rules of Procedures since it needs to be consistent; they are adopted through the change of the Rules of Procedure for the Planning Commission.

Commissioner Havens would prefer to have the meetings on Thursdays at 10:00 a.m.

Additional discussion regarding the day and time change continued.

Chair Hiller stated Director Wechner will have discretion to decide if Planning Commission will meet the 1<sup>st</sup> and 3<sup>rd</sup> or 2<sup>nd</sup> and 4<sup>th</sup> Monday of the month at 2:00 p.m.

Director Wechner stated the Rules of Procedures will reflect the change in dates and he encourages the Planning Commission to remember this is a long-term commitment to maintain consistency during the Comp Plan Amendment. Staff will get materials to Planning Commission at least a week prior to the meetings. The changes will be made to the Rules of Procedures and will be formally adopted.

**Planning:** Overview of the 2016 Comprehensive Plan Update efforts and Presentation of Final Draft of Countywide Planning Policies.

Brad Johnson presented the draft that is close to being finalized with their planning partners and have requested some final comments from the other jurisdictions. But since the last meeting, there have been a number of changes made. The underline strikethrough version reflects those changes. A lot of the changes are organizational or typographical in nature. They were based on comments received from each of the other jurisdictions and preliminary guidance received from the Department of Commerce. A couple of major things he would like to highlight:

- Section 3.2, page 11 of the underline and strikethrough version.
- Joint Planning Areas (JPA) section page 8 of the underline and strikethrough version.

Commissioner Krug commented there is no size of what the joint areas or potential of growth areas are. She asked if it was intended to be that way and redefine it later.

Mr. Johnson clarified the Joint Planning Areas were established originally when the Comprehensive Plan was created in 1998 and they have remained virtually unchanged since then. There was not a lot guidance in the original document about what would be done with



these areas, and so it was left purposely vague. In the policies it speaks to collaborative process between the County and each of the cities. The County and city governments can negotiate how large they need to be to serve their function.

- Commissioner Hillers asked about Long Range Rural significance and the questions raised regarding the topic. It should be added into the definitions section.
- Discussed critical areas.
- Criteria for expanded land/growth.
- Discussed Urban Growth Areas and the uniformed methodology for quantifying the amount of land that is buildable within each UGA.
  - Land which is vacant and completely undeveloped.
  - Redevelopment factor and consideration.
- Data demonstrating how much buildable land is available in various cities and UGAs.
  - Issue paper produced – will be available on the following meeting and overall outcome is similar on what was originally presented in the previous meeting.
  - Joint Planning Area policies only govern how development applications are processed.
- Oak Harbor growth analysis.
- Each of the cities has a desire to retain as much flexibility for their own land use policy. It has to do with planning in a way that it suits the needs of the people in their jurisdiction. It is located in Section 3.3 Urban Growth Areas pages 11 and 12 of the underline strikethrough version.
- In March, staff will be presenting to the Planning Commission and the Board the results of the review. They have been going through the Comprehensive Plan, County Code and comparing it to what State law says and court cases, Hearing's Board decision that have come out since the last update. The presentation will be on changes that are required by law, staff feels strongly should be considered and some optional changes. Staff will be looking for advice from the Planning Commission for narrowing the scope of the update and making a decision, which will define what work gets done between March and June of 2016.
- Page 12 of the document addresses reductions to UGAs. Further discussion regarding the reduction of Freeland NMUGA continued.

Brad Johnson briefly updated the Planning Commission on the Shoreline Management Program (SMP). The Department of Ecology has had more comments and the range of issues has narrowed. The net pen aquaculture is still there and it is shaping up to be the contentious issue of this project.

Commissioner Hillers asked for clarification that it was not allowed in Island County but the State is saying it is not acceptable.

Brad confirmed Commissioner Hillers' statement the SMP that the Planning Commission and the Board approved locally allowed open water aquaculture only in lakes and did not allow it in the Puget Sound. Required that aquaculture for saltwater be in upland closed system using tanks. The Department of Ecology has said that it is not in their view consistent in State law and is required they change that. Staff is exploring options on how to address their concern or whether

to address it at all. Island County is not the only county caught in the same issue. Jefferson County opted to not appeal it but chose to modify their SMP to allow open water aquaculture under a fairly narrow range of circumstances and with very specific requirements. There is currently an appeal involving Bainbridge Island the issue is related to the Geoduck aquaculture. The issues come up as jurisdictions submit their SMPs for approval by the Department of Ecology. It will really come down to a policy choice about what Island County wants to do and what direction they would want to go on the policy. Staff was able to negotiate solutions to almost all of the other issues.

Commissioner Enell asked staff if the County can remain with the option selected on the SMP.

Brad commented it is only an option if the Growth Management Hearing's Board agrees with the County. The options as presented to the Board of Commissioners at the last work session were: accept the changes as presented by DOE, try to create an alternative system, or remain with what we selected and make an appeal to try and make our case before the Growth Management's Hearing's Board.

Commissioner Enell asked when the decision will be made.

Brad answered Commissioner Enell it depends on the direction received from the Board of Commissioners. They have asked for more information on that and the office is working with the Health Department's Department of Natural Resources as well as the Marine Resources Committee. Staff is coordinating some discussions to get more information about resources on Island County and what impacts those different options might have. It will all come down to what policy choices are made.

Commissioners Krug asked if the Tribes have any input in the SMP.

Brad responded they normally would but the Tribes have remained relatively silent on that particular issue.

Commissioner Hiller asked if there may be any other county stepping forward to take the issue to the Growth Hearing's Board.

Brad stated the case in Bainbridge Island is pending the Board of Growth Management Hearing's Board and it may have some relevance on what happens in Island County but it may be quite a while before it is resolved. The Department of Ecology under State law, unlike the Growth Management decisions the Planning Commission is normally involved in, gives a lot of deference to local governments and it also sets up an appeal process. Somebody challenging a locally adopted plan or regulation has to show that the actions of the local government were incorrect. It puts the burden on the appellant. In the case of the decision of the Department of Ecology, it is reversed; the Department of Ecology is given deference with respect to decisions regarding shorelines of statewide significance. In Island County's case that involves pretty much all the open water areas; in that instance the burden falls on Island County to prove the Department of Ecology is grossly incorrect in their decision.

Commissioner Hillers added the way the Shoreline Management Program is written; the Department of Ecology has to approve it.

Brad said it was correct. Another step, between the Growth Management Act laws for all of the upland development and shoreline areas, with the GMA Regulations, when the County adopts them, it goes into effect and remains in effect until it is overturned. With the Shoreline Master Program as Commissioner Hillers pointed out, it does not go into effect until the Department of Ecology approves it and they have the ability under State law to impose a program.

Discussions continued regarding the Shoreline Management Program.

Commissioner Hillers recapped the new Planning Commission day and time to be the 2<sup>nd</sup> and 4<sup>th</sup> Monday of each month at 2:00 p.m.

*Commissioner Enell moved to adjourn, Commissioner Yonkman seconded, motion carried unanimously.*

Meeting adjourned at 12:12 p.m.

Respectfully submitted,

Virginia Shaddy